

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

STEPHON LINDSAY, #207044,

Plaintiff,

v.

RICHARD ALLEN, et al.,

Defendants.

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2007 SEP 11 A 9:46

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA [WC]

MOTION TO COMPEL

Comes now the Plaintiff, Stephon Lindsay, pro se in the above styled cause and respectfully petitions this Honorable Court pursuant to Rule 37(a)(1) and Rule 37(a)(2)(A) of the Fed. Rules of Civil Proc., for a Motion to Compel the Medical Defendants Prison Health Services, Inc., and specifically, Dr. Tahir Siddiq, to provide legible, clearly readable medical records in this case. Plaintiff respectfully asks this Honorable Court to consider the following grounds in support of this request to compel:

- 1.) That the Medical Defendants have submitted an extensive medical history of the Plaintiff as part of the record in this complaining. (Document 21).
- 2.) That there are about ten (10) pages of said medical records that are highly relevant and entirely pertinent to these proceedings that are written in "doctor-ese," i.e. language that is illegible or scrawled to the point that the Plaintiff is unable to ascertain exactly what was written.
- 3.) That part of the claim in this \$1983 action involves the "deliberate indifference to serious medical needs" on the part of this Defendant and Plaintiff, at some point, will have to show proof that his claim is indeed valid. In order to do so, legible medical records are an absolute necessity.

4.) That on this Honorable Court's Order dated 7th August, 2007 (Document 27) this Court noted that the name of the nurse on the exhibit submitted by Medical Defendants in their Special Report is elibible. This is one of the documents Plaintiff is complaining about. Plaintiff submits, with all due respect, that this is not the only illegible portion of the records submitted as part of Document 21.

5.) That on August 2nd, 2007, Plaintiff sent a letter to the attorney for the Medical Defendants, to wit: Hon. William R. Lunsford. This letter appraised said attorney of the fact that portions of the medical records submitted were illegible and unreadable. That letter requested Attorney Lunsford ask Defendant Dr. Siddiq to remedy this situation. To date, the Plaintiff has not received a response to that request.

6.) That said letter to Attorney Lunsford contained a specific list of the exact pages of the medial records that were illegible. And, in all fairness, some of those records were submitted by the consultant, Dr. Tai Chung, to whom Plaintiff was sent for a wrist operation, and not only Dr. Siddiq. Plaintiff felt that as Dr. Chung and Dr. Siddiq were both medical doctors, that Dr. Siddiq would be capable of deciphering the scrawl of Dr. Chung, as well as his own writing. Apparently, that is not the case.

7.) That on the 18th of August, 2007, Plaintiff received the Medical Defendants response to order that identified the nurse on the body chart taken on January 8th, 2007, as Nurse Patricia Robbins. However, this Response contained no acknowledgement of the Plaintiff's request of August 2nd, nor did said Response in any way allude to the Plaintiff's request for legible medical records.

WHEREFORE, Plaintiff, as stated herein at #5 of this Motion to Compel, and pursuant to Rule 37(a)(2)(A) of the Fed. Rules of Civ. Proc., appraised

the Medical Defendants that certain records were illegible and respectfully asked that they remedy this situation. Plaintiff hereby certifies that he made a good faith effort to confer with the attorney for the Medical Defendants by mail to obtain legible records, but to no avail.

AS SUCH, and given the foregoing, Plaintiff respectfully asks this Court to compel the Medical Defendants, individually and/or collectively, to provide a clearly legible and readable copy of those pages of the medical records that were identified to said Defendants in Plaintiff's letter to them dated August 2nd, 2007.

Respectfully submitted on this 5th day of September, 2007.

Stephen Lindsay 207044
Stephen Lindsay, Plaintiff, pro se
AIS #207044, Dorm E4
Ventress Correctional Facility
P.O. Box 767
Clayton, AL 36016-0767

CERTIFICATE OF SERVICE

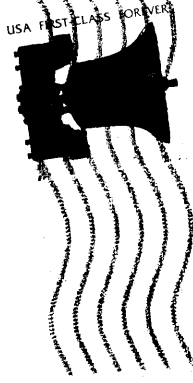
I hereby certify that on this 5th day of September, 2007, I served the below listed parties with a copy of this Motion to Compel by placing a copy of the same in the U.S. mail here at Ventress Correctional Facility, first class postage and addressed as follows:

William R. Lunsford
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Stephen Lindsay
Stephen Lindsay, Plaintiff



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NAME Stephon Lindsay AIS # 207044 DORM # E4

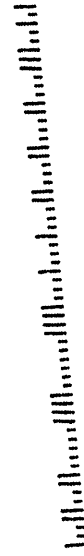
VENTRESS CORRECTIONAL FACILITY

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